

SOUTHERN PIONEER,

AND CARROLL, CHOCTAW AND TALLAHATCHIE COUNTIES ADVERTISER.

By G. W. H. BROWN.

CARROLLTON, MISSISSIPPI, SATURDAY AUGUST 28, 1841.

VOL. I.—NO. 37.

east quarter section 25, township twenty-four, range two east, containing 241 and 62 hundredths acres—was purchased by Wm M. Beal, on 6th December eighteen hundred and thirty-four. Printer fee 14d.

Also; the east half south east quarter section twenty-eight, township twenty-four, range two east, containing 79 and eighty-eight hundredths acres; was purchased by A. S. Campbell & C. Dart, on 6th Dec. eighteen hundred and thirty-four. Pr fee eight dolls.

Also; the west half of south east quarter, and east half south west quarter section twenty-eight, town. 24, range two east, containing 159 and 76 hundredths acres; was purchased by A. S. Campbell & C. Dart, on Dec 20, 1834. Pr fee ten dollars.

Also; the north half and west half south east gr. section 32, township twenty-four, range two east, containing 477 and 30 hundredths acres: was purchased by Wm M. Beal on 6th Dec 1834. Pr fee 15d.

Also; Lot No. 16, section 6, township twenty-four, range one east, containing 32 and 35 hundredths acres was purchased by Wm H. Whitaker on 4th December 1834. Printer fee eight dolls.

Also; Lots No. 3 and 16, section eight, township 24, range one east, containing 96 and 84 hundredths acres, was purchased by Wm. H. Whitaker, on 4th December 1834. Printer fee eight dollars.

Also; Lots No. 4 and 5, section eight, township 24 range one east, containing 76 and 50 hundredths acres was purchased by Wm H. Whitaker on 4th December 1834. Printer fee eight dollars.

Also; Lots eleven, twelve and thirteen, section 8, township twenty-four, range one east, containing 117 and 98 hundredths acres; was purchased by Wm. H. Whitaker on 4th Dec 1834. Printer fee 16d.

Levied on the above described lands to satisfy the State and County Tax due thereon, as above mentioned. This 16th day of June, 1841.

J. V. H. MONTGOMERY,
Assessor & Collector
Of Tallahatchie County.

[In the presence of]
A. B. BETTS, &
E. E. ARMSTRONG.
Charleston, Miss. June 16th, 1841. 3m.

Prospectus,
For publishing in the town of Carrollton, Carroll county, Miss., a weekly paper to be entitled the

Southern Pioneer,
(By G. W. H. BROWN.)

UNDER the above title of the "SOUTHERN PIONEER," we propose to publish in the town of Carrollton, a new Weekly Paper, devoted to Politics, both State and National, Agriculture, the current news of the day, and the advancement of the great cause of Education. This paper will be devoted to what its conductor believes to be the best interests of the State and county. It will advocate the great Whig cause which you have recently seen so signally triumphant. Believing, that the principles put forth by the great Whig party as the tenets of its political creed, are the only true ones on which this Government was originally founded, and on which it should be administered, this paper will tend to those principles, whenever and wherever exposed, its humble but cordial support.

No man or set of men, will be by us unscrupulously sustained at the expense of principle. "PRINCIPLES NOT MEN," is our motto—by this rule shall we be governed, and in subjecting all to this test, we shall as we find them, judge with impartiality, admonish with candor, and reprove with justice. As humble Pioneers in the great cause of political truth, we shall ever point to the cardinal virtues of a representative Government. But, the interests of our State, and more particularly of our county, shall receive at our hands a constant and an earnest advocacy. While our sister counties have been the object of Legislative action, and Executive patronage, the county of Carroll has remained comparatively unknown and unappreciated. It shall therefore be our pride, as well as our duty, to develop its vast resources and point out its numerous advantages. The cause of education, the cause of enlightened and progressive civilization, the only true bulwark of a nation's freedom, shall receive that attention its importance demands. In fine, as humble Pioneers in the great crusade against ignorance and error, we shall shoulder our mattock and shovel, and taking our place in the great march of modern improvement, our course shall ever be as Marathon said to Stanley, "ONWARD."

TERMS.—The "PIONEER" will be published every Saturday morning at FIVE DOLLARS in advance, or SIX DOLLARS at the expiration of six months, or SIX DOLLARS FIFTY at the end of the year.

NO PAPER WILL BE DISCONTINUED UNTIL ALL ARREARAGES ARE PAID.

ADVERTISEMENTS inserted at the rate of ONE DOLLAR and FIFTY CENTS per square (—) for the first, and ONE DOLLAR for each subsequent insertion. The number of insertions must be marked upon the ms. or it will be published until ordered out, and charged accordingly.

From one to ten lines constitute a square. Articles of a personal nature, whenever admitted will be charged at double the above rates. Political circulars or public addresses, for the benefit of individual or companies, charged as advertisements. Announcing candidates for office \$10 each. YEARLY ADVERTISING.—For forty lines, or less, renewable at pleasure, each week, \$65.

Bills for advertising are due when the work is done, and MUST be paid whenever called for.

JOB PRINTING.

In connection with the PIONEER Office, is a large assortment of new and fashionable FANCY TYPE, which enables us to execute all orders for Job Printing in fine style. We solicit patronage in this line, at prices the same as other well regulated offices in Mississippi. Orders from Attorneys, Clerks, Sheriffs, &c., promptly attended to.

ALL JOB WORK—CASH.

Letters or Communications to the publisher must be POST-PAID, or they will not be taken out.

Watches and Clocks

REPAIRED.

THE subscriber has settled himself permanently in Middleton, Carroll county, Mississippi, where he is prepared to execute all work entrusted to his care, with neatness and despatch.

R. T. JOHNSON.

Middleton, April 17, 1841. 18-16.

A Card.

T. S. & J. F. AYRES,

Attorneys at Law—Carrollton, Miss.

Their Office is the same formerly occupied by Marsh & Ayres.

January, 1, 1841 4-1f.

Republican Whig Ticket.



For Governor,
DAVID O. SHATTUCK, of Carroll.

For Congress,
ADAM L. BINGAMAN, of Adams,
WILLIAM R. HARLEY, of Marshall.

For Secretary of State,
LEWIS G. GALLOWAY, of Holmes.

For Auditor of Public Accounts,
JAMES J. ALLEN, of Hinds.

For State Treasurer,
J. S. CURTIS, of Hinds.

For Attorney General,
ROBERT HUGHES, of Hinds.

FROM THE JACKSON SOUTHERN.

REPLY OF HOPE & Co., OF AMSTERDAM, TO GOV. M'NUTT'S LETTER TO THEM, JULY 13th, 1841.

To the Governor of the State of Mississippi:
We have the honor to acknowledge the receipt, in due time, of your Excellency's answer of the 13th July, ultimo, to our note of the 22d of May, preceding, demanding the payment of the interest which is in arrear on the bonds held by us, which were issued by your State on account of the Union Bank—together with the copies of the journal of your Legislature for the years 1840 and '41. The purpose of your Highness, in forwarding the latter, we cannot readily divine, unless to evince in your State how lightly are regarded, even by its chief magistrate, the obligations of honor and truth. You aver that "the State will not pay these bonds, or the interest due or to become due thereon." The Legislature make a precisely opposite assertion. You will pardon us if in so delicate a conjuncture we are inclined to credit the more numerous department of your Government. We are therefore disposed to regard this most extraordinary document as expressive of your individual views, rather than those of the State or the people.

Regarded in this point of view, we shall attempt to demonstrate that you, sir, should be the last man in the State to anticipate such a decision, or to vindicate it, when made. We think this manifest from your entire failure to defend your course on this subject in your message to the Legislature of this year, vetoing the resolutions adopted by them in favor of the payment of these bonds. It is proper that we notice, that you admit your approval of the laws under which these bonds were made and sold, and place the defence of the State on the ground that they were sold at less than their par value, contrary to the provisions of those laws. You seem to admit, that it became you to protest against the sale at an earlier period than January of the current year,—some two years and a half after the sale, and after too it had become obvious to all men, that the State would incur a considerable loss from her partnership with the Union Bank. Accordingly, you say in your letter to us, that "when you ascertained in January 1839, the terms on which the sale had been made, you communicated them to the Legislature, and denounced the sale as illegal." In your veto message, you quote the terms of this denunciation as follows: "The commissioners, in the sale of the bonds, exceeded their instructions, but no doubt obtained as much for them as could have been had at the time of the sale. An anxious desire to place the Bank into speedy operation was certainly commendable, but, at the same time, no violation of the charter should have been sanctioned." Is your Highness serious, in pronouncing this a denunciation of the sale in due season? Do you regard it as involving a protest against the liability of the State to pay the bonds, or as a call on the Legislature to enter such protest? To denounce is "to proclaim with a threat." Sanctioned, means "confirmed, ratified." So far from calling on the Legislature to denounce the sale, you mention it as having been already "sanctioned." If we might be permitted to inquire into the motives which dictated this part of your message of 1839, we would hazard the conjecture that they were a desire to manifest your legal acumen: your desposition "to see that the laws be faithfully executed," and possibly an inclination to reflect upon the directory of the Bank. To them we presume you allude as having "anxiously desired" to place the

Bank into speedy operation, and as having "sanctioned" the violation of the charter. In the strongest point of view, it could be regarded only as an admonition to the commissioners who sold the bonds, and the directors who approved the sale, to be more regardful of the law in future; and they must have had little taste for court favor, if they did not find more to hope from the commendation, than to fear from the censure of your Highness.—That your Excellency, in this passage, did not mean to protest against the sale of the bonds as illegal, and conveying no right to the purchaser to demand their payment of the State, we will adduce other and still more conclusive evidence than an exposition of phraseology, which we admit is not remarkable for clearness and conciseness. We will quote from your message of 1840, after you had time thoroughly to investigate this subject, and to present the result in lucid language. In advocating the right of the Legislature to inspect the affairs of the Bank, among the arguments employed by you, you urge that "The faith of the State is pledged for the whole capital stock, and the property of all her citizens may hereafter be taxed to make up its losses and defalcations." Having thus, not only by your silence, but in express language, recognized the validity of the bonds, and the right of the holders to demand their payment of the State, how far it became you, of all men, to usurp the province of your Legislature, and pronounce that "the State never will pay the five millions of State bonds issued in June, 1838, or any portion of the interest due or to become due thereon," we submit as a question of taste, merely, to be decided by those whose suffrages have placed you in the high position which you now occupy. We would have expected that it would have been sufficiently unpleasant to you, sir, to act as the organ of the State in making the only communication which the facts warranted, that "no provision had been made by the legislative department for the payment of the interest." We would even venture to ask, sir, how you dare to assert that Mississippi will not redeem her pledged faith? for, we perceive from a copy of the Gazette of State, entitled "The Mississippian," forwarded to us by our New York correspondent, that you have had the temerity to publish our correspondence. We hope you will do us the justice to order this to be published in the same paper. We are apprized by this same veto message of yours, that in your elevated office, your partizan feelings preponderate over every other consideration. From other sources we have learned that the party with which you have heretofore acted, having sustained a signal defeat last fall, were resuscitated by some village editor, to whom even you, sir, play a subordinate part, and who is, in fact, the dictator of "the party," by starting the question of the validity of the bonds. On this we understand, the pending elections are likely to turn, to influence which, we presume the argumentative part of your letter was written. It could have been with no view to an adjustment of the controversy, for you have no authority to conclude any arrangement. It could not have been as a manifesto to the world, setting forth the grounds on which Mississippi repudiated her debt, for she has taken no such degrading step.

We will proceed to a brief notice of your Excellency's logic, so far only as it bears on our rights as assignees, of the first purchasers, premising, that to us it exhibits a sort of acumen for which the juris consults of our minor courts of Amsterdam are remarkable—the practice in which is said to contract as much as it sharpens the intellect. You predicated your position that we, as assignees, are subject to any defence, which would have been made against the first purchasers, one statute of Mississippi, and the principle of *lex loci*. You appeal to our knowledge of commercial law to sustain you. You do not seem to be aware that the *lex mercatoria* is of two kinds,—municipal and international. The former regulating the internal trade of a State, between citizens and citizens, or *quasi* citizens or subjects; the latter the external trade or the commercial intercourse between the citizens or subjects of different States. It is in this distinction that the principle of *lex loci* and *lex fori* had its origin. Where a State contracts with another State, its citizens or subjects, is the contract construable, or its validity determinable by the laws of either?—We say no: but by a law common to both—the law of nations. What forum has jurisdiction of such a contract? None! then the question of *lex loci* or *lex fori* does not arise. This doctrine is not applicable to the contracts

of the sovereign only, but to the contracts of the citizens or subjects of different States, all of which we will proceed to prove by quotations from Vattel and Grotius:

"The conventions and contract made by the sovereign with PRIVATE PERSONS WHO ARE FOREIGNERS, in his quality of sovereign, and in the name of the State, follow the rules we have given in respect to public treaties. If the private person who has treated with the sovereign, is his subject, the right is also much the same, but there is a difference in the manner of deciding the controversy, which may arise from the contract. THE PRIVATE PERSON BEING A SUBJECT OF THE STATE, is obliged to submit his pretensions to the established courts of justice."—Law of Nations, B. II, ch. xiv, 290.

Vide Grotius, B. III, ch ii, p. 446:—"Whatsoever debts any civil society shall contract, either primarily by themselves, or be engaged for, by not rendering to others that which is their right, all the goods, both corporeal and incorporeal, of those that are subject to that society, shall be liable and stand bound to discharge." Vide also id; p. 448, as to the manner of coercing payment:—"This right is enforced by reprisals or a violent seizure and detention of each other's goods, and extends even to debts due from the citizens or subjects one country to those of another."

Now, sir, do you not feel that your statute operates just as much on our rights as your denunciation of 1838 does on our consciences? You urge that the bonds were delivered by you as escrows, that is, as incomplete or imperfect instruments, (a queer idea this, of delivering escrows to commissioners, to be carried out of the State and sold,) and that they were not to become complete until after their sale and the receipt of their par value. Then, if they ever were completed, it was in Philadelphia, and that must be the place of the contract. But that is not all: if you will look a little further into the *LEX LOCI*, you will find that "a contract made in one place, to be executed in another, is governed by the law of the latter." We repeat, that we do not conceive that the *LEX LOCI* or *FORI* has anything to do with our rights, which would be precisely the same, whether the contract were made in Jackson or Amsterdam. But we are using your own weapons, and you cannot object that they are poisoned. The place at which these bonds were to be executed—that is, paid—is London.

But, sir, if you are sustained in every position which you assume, even in that which is most absurd of any, and which we have just demolished—and if even the bonds are not the bonds of the State, still is she clearly bound to refund the money advanced upon them, with interest. You admit that the money was received by citizens of Mississippi, and we have already shown from Grotius, that the law of reprisal extends even to debts due from the citizens or subjects of one nation to those of another. The whole people of a State are considered as composing one body politic.—Each individual is a member of the body, and the whole are liable for the acts of each.—You seem to have paid little attention to international law, but must have encountered frequent recognitions of this principle in your historical researches. It is true, that in case of contract, it is rarely resorted to in practice—but ours is a case in which the propriety of evoking it from its dormant state would be questioned by no one: for, we advanced our money upon bonds having the great seal of the State attached to them, and which were believed by us and all men to be State Securities. If you will examine and reflect on the principle, it will go far to relieve you from your constitutional scruples. To assist your Highness, and in requital of your kindness in forwarding to us the journals of 1840 and '41, we herewith transmit (to the care of our agent in New York) a copy of Grotius, one of Vattel, and one of Puffendorf.

You state that "those bonds were not sold in accordance with the constitution and laws of Mississippi;" and quote from the constitution a provision prescribing the mode in which "the faith of the State" may be pledged; but neither in your communication to us, nor in your veto message, have you attempted to show, either in the sale or execution, any incompatibility with the constitution. Indeed, notwithstanding the clearness and force of your Excellency's logic, we confess our stupidity in being wholly unable to conceive how any irregularity or illegality in the sale can affect the validity of the thing sold. It might affect the title of the purchaser cognizant of such irregularity.

We are duly sensible of your Excellency's

condescension, in offering to forward to us "such other documents as we may desire"—and, as our pursuits are strictly commercial, and we have no leisure to devote to the cultivation of an acquaintance with the beauties of legal science, as it exists in Mississippi, and is taught by your Highness, we limit our tax on your time and liberality, to a mere inquiry as to the present price of 'escrows' or scrolls in your market. We have a heavy stock on hand, and should be pleased to consign a cargo to your Excellency.

We have only further to request, that you will merge your partizanship into patriotism; forget that you are a democrat, and recollect that you are a Governor: as you assumed the dictator, act the father, and admonish the people of Mississippi that their refusal to pay their debts will be disastrous only to themselves.—Teach them, in the terms of the homely adage, that "honesty is the best policy." For ourselves, we feel that so long as the Atlantic continues to bear annually upon its bosom cotton of your State to the value of fifteen millions, we have nothing to apprehend from the corruption of its citizens or their rulers.

We have the honor to subscribe ourselves,
Your obedient servants,
HOPE & Co.

His Excellency, A. G. McNUTT,
Gov.-in-Chief of the Army and Navy of Miss.

JUDGE SHATTUCK.—The Natchez Free Trader holds forth the following, which we extract from a pitiful and grovelling article of some length, the whole of which, when summed up, is nothing more than the putrefactive belchings of a defeated loco-foco, who has been striving for years to bring himself again into public notice—but its no go. The ex-member of Congress has been thrown 'hors de combat,' and lays flat upon his back bellowing wofully; while J. D. Freeman still continues his "anti-bond thieving" harangues to the 'rosin-heels' of the piny-woods counties. Go it Jonny! you're a 'blossom,' destined to bring forth fruit in due season. But to the extract:—

"We regret to learn, that the democratic candidate for Governor, was compelled to halt at Oxford, from severe indispositions. Judge Shattuck still continues the canvass. Would it not be more fair for him to pause a while, until Mr. Tucker is able to proceed with him, as they agreed to travel together, and the people wish to hear them both at the same time?"

Now, Mr. Free Trader, are you not aware that old 'Talabola,' alias 'tender-toes,' left the field without a providential attack of any kind. Do you not know that Judge, or 'parson' Shattuck if you choose, so completely annihilated the niggardly appeals of the old "Constitutional rogue," that he was forced to cry for quarters. Such my dear sir, is the fact.—And Tucker was soon convinced in his open and avowed career, though short, that such appeals as he was making, to incite the democratic party to plunder throughout the State, now that it was prostrate and could gain the ascendancy by no other means, with the cry of taxation! taxation! taxation!!! to back it, was literally sinking into insignificance, and caused hundreds of the honest and chivalrous sons of democracy to rally to the support of State faith and State honor! Tucker was met face to face by some of his old personal friends north of this place, and wherever he had the misfortune to speak, and told that he could not receive their support—that they could not (though democrats,) take up the cross, and march and fight under the flag of a clan nearly outstripping the daring progress of the black-hearted Alegrines in pursuit of piracy and midnight murder! Was it not high time that old 'Talabola' should "flee the wrath to come." Our friend who thinks Judge Shattuck should cease speaking, will agree with us before the day of the election, that 'tender-toes' did right in leaving the canvass. Can it be that he will make his appearance again, and give the Judge another opportunity of holding him up to the view of the righteous and honest, and exposing his little petty tricks while a legislator in the House of Representatives of this State.—We hardly think so, unless he can get with Gwin and Freeman and bounce up behind these worthies on Balaam's ass, and then we of North Mississippi may expect to hear an awful braying of *quadrupeds*, broken down politicians, defaulters and a would-be Attorney General, before the day of election. *Mirabile dictu!* but let us prepare to withstand the awful shock, our party is to receive on the occasion referred to.

The Cotton crops in this section of the State is said by our Planters to be very promising, and beyond the expectations of many.